IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16714 of 2005

Between:

T.Shedrak S/o. Yoseb
O/o. General Manager, Telecom Dept., Warangal R/o.2-6-47,
Rutherford Colony, Circuit House Rod, Hanamkonda,
Warangal District.

..... PETITIONER

AND

1 The General Manager Telecom Disrict
Bharath Sanchar Nigam Ltd., (BSNL) Warangal and others.

.....RESPONDENT(S)

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THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16714 of 2005

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ORDER:

This writ petition is filed by the petitioner alleging that the respondents are deducting amounts from his salary by way of instalments towards the repayment of loan to the society, which is more than what is prescribed under the provisions of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'). Therefore, he sought for appropriate orders directing the respondents not to deduct any amount, which is more than what is provided under the Act.

2. According to the petitioner, he is one of the employees of the first respondent Corporation and his gross salary is Rs.14,349/- per month. It is stated that he availed some loans from the third respondent Society, which is deducting more than 1/3rd of his gross salary. The petitioner has also filed the Statement showing the deductions made from his salary. Certain deductions were made at the rate of Rs.8,000/- per month. Hence, the present writ petition.

3. At the time of hearing the learned counsel for the petitioner referred to Page No.10 - Statement of Loan Account. The said account was certified only by the Society of which the petitioner is a member. They are not the deductions shown by the employer while giving the salary. He also contended that the respondents are obligated to maintain certain Registers with reference to the deductions but they are not maintaining the same. Hence, sought for appropriate orders.

4. The learned counsel appearing for the respondents stated that the Statement of Loan Account shows what was paid by the petitioner towards the loan account and not the deductions effected by the employer and in fact the petitioner has not even paid the interest, which was due by the petitioner to the society. He also stated that a Circular was issued by the first respondent not to deduct more than 1/3rd of the gross salary as contemplated under Section 37(2)(b) of the Act. Therefore, he contends that there is no merit warranting interference.

5. Heard both sides and considered the material available on record.

6. The grievance of the petitioner is that the respondents are deducting more than 1/3rd of the gross salary, which is prohibited in terms of Section 37(2)(b) of the Act. In fact, the petitioner himself filed the circular issued by the first respondent Corporation wherein the Drawing Officers were directed to ensure that the THP is not below 1/3rd of their gross salary for repayment of the loans. In fact, the learned Counsel for the respondents stated that the employer is deducting only at the rate of 1/3rd of the gross salary.

7. Under the above circumstances, the writ petition is disposed of directing the respondents to deduct only to the extent of 1/3rd of the gross salary from out of the petitioner's salary towards repayment of the loan, availed by the petitioner from the third respondent Society.

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S. Ananda Reddy, J

Date: 29.07.2005

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